



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 1995 SENATE BILL 628**

May 1, 1996 - Offered by JOINT COMMITTEE ON FINANCE.

1     **AN ACT to repeal** 234.67, 234.75, 234.76, 234.765, 234.80, 234.82, 234.83 (3) (b),  
2             234.905, 234.907 and 234.935; **to renumber** 234.70, 234.802 and 234.85; **to**  
3             **renumber and amend** 144.422 (1), 234.83 (2) (a) and 234.83 (3) (a); **to amend**  
4             46.255 (7), 46.28 (3), 46.28 (4), 71.05 (1) (c) 2., 100.45 (4) (intro.), 101.177 (2)  
5             (intro.), 101.177 (3) (a) (intro.), 144.422 (2) (intro.), 234.03 (2m), 234.265 (2),  
6             234.40 (4), 234.50 (4), 234.60 (2), 234.622 (intro.), 234.65 (1) (b), 234.66 (3) (b),  
7             234.83 (title), 234.83 (1) (c), 234.83 (4) (title) and (a), 234.83 (4) (b), 234.93 (2)  
8             (a) (intro.), 234.93 (4) (a) 2., 234.94 (intro.), 560.036 (2) (a), 560.835 (1) (d) and  
9             600.01 (1) (b) 8.; **to repeal and recreate** 70.11 (35); and **to create** 100.45 (1)  
10            (dm), 101.177 (1) (d), 144.422 (1) (b), subchapter I (title) of chapter 234  
11            [precedes 234.01], 234.01 (4n) (a) 3m. e., subchapter II (title) of chapter 234  
12            [precedes 234.83], 234.83 (2) (a) 1. to 4., 234.93 (2) (bm), 234.93 (4) (a) 3. and  
13            subchapter III (title) of chapter 234 [precedes 234.94] of the statutes; **relating**  
14            **to:** loan guarantee programs funded by the Wisconsin development reserve  
15            fund; and the ratio of reserve funding to guaranteed outstanding principal for  
16            the Wisconsin development reserve fund.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 46.255 (7) of the statutes is amended to read:

2           46.255 (7) The department may provide a certification under sub. (1) to a state  
3 agency or authority under s. 21.49 (2) (e), 36.11 (6) (b), 36.25 (14), 36.34 (1), 39.30 (2)  
4 (e), 39.38 (2), 39.435 (6), 39.44 (4), 39.47 (2m), 45.351 (2) (c), 45.356 (6), 45.396 (6),  
5 45.74 (6), 144.25 (8) (L), 145.245 (5m) (b), 234.04 (2), 234.49 (1) (c), 234.59 (3) (c),  
6 234.65 (3) (f), 234.83 (2) (a) 4., 234.90 (3) (d) or (3g) (c), ~~234.905 (3) (d)~~ or 949.08 (2)  
7 (g).

8           **SECTION 2.** 46.28 (3) of the statutes is amended to read:

9           46.28 (3) The department may authorize the authority to issue revenue bonds  
10 under s. ~~234.70~~ 234.61 to finance any residential facility it approves under sub. (2).

11           **SECTION 3.** 46.28 (4) of the statutes is amended to read:

12           46.28 (4) The department may charge sponsors for administrative costs and  
13 expenses it incurs in exercising its powers and duties under this section and under  
14 s. ~~234.70~~ 234.61.

15           **SECTION 4.** 70.11 (35) of the statutes is repealed and recreated to read:

16           70.11 (35) CULTURAL AND ARCHITECTURAL LANDMARKS. Real property and  
17 improvements designated in an executive order as a valued historical landmark and  
18 an architectural masterpiece, or an educational tourist center located adjacent to the  
19 real property and improvements designated in an executive order as a valued  
20 historical landmark and an architectural masterpiece.

21           **SECTION 5.** 71.05 (1) (c) 2. of the statutes, as affected by 1995 Wisconsin Act 56,  
22 is amended to read:

1           71.05 (1) (c) 2. The Wisconsin housing and economic development authority, if  
2 the bonds are to fund a loan under s. 234.935, 1993 stats.

3           **SECTION 6.** 100.45 (1) (dm) of the statutes is created to read:

4           100.45 (1) (dm) “State agency” means any office, department, agency,  
5 institution of higher education, association, society or other body in state  
6 government created or authorized to be created by the constitution or any law which  
7 is entitled to expend moneys appropriated by law, including the legislature and the  
8 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
9 Center Sports and Entertainment Corporation, the University of Wisconsin  
10 Hospitals and Clinics Authority and the Wisconsin Health and Educational  
11 Facilities Authority.

12           **SECTION 7.** 100.45 (4) (intro.) of the statutes is amended to read:

13           100.45 (4) SERVICING. (intro.) No person, including a state agency, as defined  
14 ~~in s. 234.75 (10),~~ may perform motor vehicle repair that releases or may release  
15 ozone-depleting refrigerant from a mobile air conditioner or trailer refrigeration  
16 equipment or may install or service a mobile air conditioner or trailer refrigeration  
17 equipment that contains ozone-depleting refrigerant unless all of the following  
18 apply:

19           **SECTION 8.** 101.177 (1) (d) of the statutes is created to read:

20           101.177 (1) (d) “State agency” means any office, department, agency,  
21 institution of higher education, association, society or other body in state  
22 government created or authorized to be created by the constitution or any law which  
23 is entitled to expend moneys appropriated by law, including the legislature and the  
24 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
25 Center Sports and Entertainment Corporation, the University of Wisconsin

1 Hospitals and Clinics Authority and the Wisconsin Health and Educational  
2 Facilities Authority.

3 **SECTION 9.** 101.177 (2) (intro.) of the statutes is amended to read:

4 101.177 (2) **SERVICING.** (intro.) No person, including a state agency, as defined  
5 in ~~s. 234.75 (10)~~, may install or service a piece of refrigeration equipment that  
6 contains ozone-depleting refrigerant unless the person certifies all of the following  
7 to the department:

8 **SECTION 10.** 101.177 (3) (a) (intro.) of the statutes is amended to read:

9 101.177 (3) (a) (intro.) After December 31, 1991, no person, including a state  
10 agency as defined in ~~s. 234.75 (10)~~, may sell used ozone-depleting refrigerant  
11 removed from refrigeration equipment for reuse unless the person certifies all of the  
12 following to the department:

13 **SECTION 11.** 144.422 (1) of the statutes is renumbered 144.422 (1) (intro.) and  
14 amended to read:

15 144.422 (1) (title) ~~DEFINITION~~ DEFINITIONS. (intro.) In this section,  
16 “~~ozone-depleting~~”:

17 (a) “Ozone-depleting refrigerant” has the meaning given in s. 100.45 (1) (d).

18 **SECTION 12.** 144.422 (1) (b) of the statutes is created to read:

19 144.422 (1) (b) “State agency” means any office, department, agency,  
20 institution of higher education, association, society or other body in state  
21 government created or authorized to be created by the constitution or any law which  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, the Wisconsin Housing and Economic Development Authority, the Bradley  
24 Center Sports and Entertainment Corporation, the University of Wisconsin

1 Hospitals and Clinics Authority and the Wisconsin Health and Educational  
2 Facilities Authority.

3 **SECTION 13.** 144.422 (2) (intro.) of the statutes is amended to read:

4 144.422 (2) SALVAGING REFRIGERATION EQUIPMENT. (intro.) After June 30, 1992,  
5 except as provided in sub. (2m), no person, including a state agency, ~~as defined in s.~~  
6 ~~234.75 (10)~~, may perform salvaging or dismantling of mechanical vapor compression  
7 refrigeration equipment in the course of which ozone-depleting refrigerant is or may  
8 be released or removed unless the person certifies all of the following to the  
9 department:

10 **SECTION 14.** Subchapter I (title) of chapter 234 [precedes 234.01] of the statutes  
11 is created to read:

12 **CHAPTER 234**

13 **SUBCHAPTER I**

14 **GENERAL PROVISIONS;**

15 **HOUSING AND ECONOMIC**

16 **DEVELOPMENT PROGRAMS**

17 **SECTION 15.** 234.01 (4n) (a) 3m. e. of the statutes is created to read:

18 234.01 (4n) (a) 3m. e. The facility is located in a targeted area, as determined  
19 by the authority after considering the factors set out in s. 560.605 (2m) (a) to (h).

20 **SECTION 16.** 234.03 (2m) of the statutes is amended to read:

21 234.03 (2m) To issue notes and bonds in accordance with ss. 234.08, 234.40,  
22 234.50, 234.60, 234.61, 234.626, 234.65, and 234.66 ~~and 234.70~~.

23 **SECTION 17.** 234.265 (2) of the statutes, as affected by 1995 Wisconsin Acts 116  
24 and 150, is amended to read:

1           234.265 (2) Records or portions of records consisting of personal or financial  
2 information provided by a person seeking a grant or loan under s. 234.08, 234.49,  
3 234.59, 234.61, 234.65, ~~234.67~~, 234.68, 234.69, ~~234.70~~, ~~234.765~~, ~~234.82~~, 234.83,  
4 234.84, 234.87, 234.90, ~~234.905~~, ~~234.907~~ or 234.91, seeking a loan under ss. 234.621  
5 to 234.626, seeking financial assistance under s. 234.66 ~~or under ss. 234.75 to~~  
6 ~~234.802~~, seeking investment of funds under s. 234.03 (18m) or in which the authority  
7 has invested funds under s. 234.03 (18m), unless the person consents to disclosure  
8 of the information.

9           **SECTION 18.** 234.40 (4) of the statutes is amended to read:

10           234.40 (4) The limitations established in ~~s. ss.~~ 234.18 (1) and (2), 234.50,  
11 234.60, 234.61, 234.65, and 234.66 ~~or 234.70~~ are not applicable to bonds issued under  
12 the authority of this section. The authority may not have outstanding at any one  
13 time bonds for veterans housing loans in an aggregate principal amount exceeding  
14 \$61,945,000, excluding bonds being issued to refund outstanding bonds.

15           **SECTION 19.** 234.50 (4) of the statutes is amended to read:

16           234.50 (4) The limitations established in ~~s. ss.~~ 234.18 (1) and (2), 234.40,  
17 234.60, 234.61, 234.65, and 234.66 ~~or 234.70~~ are not applicable to bonds issued under  
18 the authority of this section. The authority may not have outstanding at any one  
19 time bonds for housing rehabilitation loans in an aggregate principal amount  
20 exceeding \$100,000,000, excluding bonds being issued to refund outstanding bonds.  
21 The authority shall consult with and coordinate the issuance of bonds with the  
22 building commission prior to the issuance of bonds.

23           **SECTION 20.** 234.60 (2) of the statutes is amended to read:

1           234.60 (2) The limitations in ss. 234.18 (1) and (2), 234.40, 234.50, 234.61,  
2           234.65, and 234.66 ~~and 234.70~~ do not apply to bonds or notes issued under this  
3           section.

4           **SECTION 21.** 234.622 (intro.) of the statutes is amended to read:

5           **234.622 Definitions.** (intro.) In ~~this subchapter~~ ss. 234.621 to 234.626:

6           **SECTION 22.** 234.65 (1) (b) of the statutes is amended to read:

7           234.65 (1) (b) The limits in ss. 234.18 (1) and (2), 234.40, 234.50, 234.60, 234.61  
8           and 234.66 ~~and 234.70~~ do not apply to bonds or notes issued under this section.

9           **SECTION 23.** 234.66 (3) (b) of the statutes is amended to read:

10           234.66 (3) (b) The limits in ss. 234.18 (1) and (2), 234.40, 234.50, 234.60, 234.61  
11           and 234.65 ~~and 234.70~~ do not apply to bonds or notes issued under this section.

12           **SECTION 24.** 234.67 of the statutes is repealed.

13           **SECTION 25.** 234.70 of the statutes is renumbered 234.61.

14           **SECTION 26.** 234.75 of the statutes, as affected by 1995 Wisconsin Act 27, is  
15           repealed.

16           **SECTION 27.** 234.76 of the statutes is repealed.

17           **SECTION 28.** 234.765 of the statutes is repealed.

18           **SECTION 29.** 234.80 of the statutes is repealed.

19           **SECTION 30.** 234.802 of the statutes is renumbered 234.92.

20           **SECTION 31.** 234.82 of the statutes, as affected by 1995 Wisconsin Act 27, is  
21           repealed.

22           **SECTION 32.** 234.83 (title) of the statutes is amended to read:

23           **234.83** (title) **Targeted Small business development loan guarantee**  
24           **program.**



1 working capital or the purchase or improvement of land, buildings, machinery,  
2 equipment or inventory.

3 (b) Loan proceeds are not used to refinance existing debt or for ~~operating or~~  
4 ~~entertainment expenses, real estate investment, expenses related to a septic system,~~  
5 ~~well or sewer unless associated with a business start-up, expansion or acquisition,~~  
6 ~~expenses related to the production of an agricultural commodity, as defined in s.~~  
7 ~~94.67 (2), or expenses related to a community-based residential facility.~~

8 (d) The loan term does not extend beyond 15 years after the date on which the  
9 financial institution disburses the loan unless ~~the loan is extended by the authority~~  
10 agrees to an extension of the loan term.

11 (i) The authority believes that the loan will have a positive economic impact ~~on~~  
12 ~~the targeted area~~ in terms of job creation and retention.

13 **SECTION 38.** 234.83 (3) (b) of the statutes is repealed.

14 **SECTION 39.** 234.83 (4) (title) and (a) of the statutes are amended to read:

15 234.83 (4) (title) GUARANTEE OF COLLECTION REPAYMENT. (a) Subject to par. (b),  
16 the authority ~~shall~~ may guarantee ~~collection~~ repayment of a percentage, not  
17 exceeding ~~90%~~ 80%, of the principal of any loan eligible for a guarantee under sub.  
18 (1). The authority shall establish the percentage of the principal of an eligible loan  
19 that will be guaranteed, using the procedures described in the agreement under s.  
20 234.93 (2) (a). The authority may establish a single percentage for all guaranteed  
21 loans or establish different percentages for eligible loans on an individual basis.

22 **SECTION 40.** 234.83 (4) (b) of the statutes is amended to read:

23 234.83 (4) (b) Except as provided in s. 234.93 (3), the total outstanding  
24 guaranteed principal amount of all loans that the authority may guarantee under  
25 par. (a) may not exceed ~~\$10,000,000~~ \$27,650,000.

1           **SECTION 41.** 234.85 of the statutes is renumbered 234.35.

2           **SECTION 42.** 234.905 of the statutes is repealed.

3           **SECTION 43.** 234.907 of the statutes is repealed.

4           **SECTION 44.** 234.93 (2) (a) (intro.) of the statutes is amended to read:

5           234.93 (2) (a) (intro.) The authority shall may enter into a guarantee  
6 agreement with any bank, production credit association, credit union, savings bank,  
7 savings and loan association or other person who wishes to participate in a loan  
8 program guaranteed by the Wisconsin development reserve fund. The authority may  
9 determine all of the following, consistent with the terms of the specific loan  
10 guarantee program:

11           **SECTION 45.** 234.93 (2) (bm) of the statutes is created to read:

12           234.93 (2) (bm) A guarantee agreement between the authority and a bank,  
13 production credit association, credit union, savings and loan association or other  
14 person under par. (a) with respect to a loan guaranteed under s. 234.67, 1993 stats.,  
15 s. 234.765, 1993 stats., s. 234.82, 1993 stats., s. 234.83, 1993 stats., s. 234.907, 1993  
16 stats., or s. 234.935, 1993 stats., that is in effect immediately before the effective date  
17 of this paragraph .... [revisor inserts date], shall continue in full force and effect until  
18 the termination or expiration of the agreement according to its terms.

19           **SECTION 46.** 234.93 (4) (a) 2. of the statutes, as affected by 1995 Wisconsin Act  
20 5, is amended to read:

21           234.93 (4) (a) 2. To fund guarantees under all of the programs guaranteed by  
22 funds from the Wisconsin development reserve fund, except for the program under  
23 s. 234.935, 1993 stats., at a ratio of \$1 of reserve funding to \$4 \$5 of total principal  
24 and outstanding guaranteed principal that the authority may guarantee under all  
25 of those programs.



1           **SECTION 53.** 600.01 (1) (b) 8. of the statutes, as affected by 1995 Wisconsin Acts  
2 116 and 150, is amended to read:

3           600.01 (1) (b) 8. Guarantees of the Wisconsin housing and economic  
4 development authority under ~~ss.~~ s. 234.67, 1993 stats., s. 234.68, s. 234.69, s.  
5 234.765, 1993 stats., s. 234.82, 1993 stats., s. 234.83, s. 234.84, s. 234.87, s. 234.90,  
6 234.905, s. 234.907, 1993 stats., and s. 234.91.

7           **SECTION 65. Nonstatutory provisions.**

8           (1) MEMORANDUM OF UNDERSTANDING. The department of commerce and the  
9 Wisconsin Housing and Economic Development Authority shall enter into a  
10 memorandum of understanding that establishes standards for the economic  
11 development activities of, and the economic development programs administered by,  
12 the department and the authority. The standards shall be established to ensure that  
13 the department does not duplicate the functions and efforts of the authority, and that  
14 the authority does not duplicate the functions and efforts of the department, with  
15 respect to the economic development activities and programs, and the intended  
16 beneficiaries of the economic development activities and programs, of each agency.  
17 The memorandum of understanding shall include sufficiently detailed descriptions  
18 of the department's and authority's activities and programs, and the intended  
19 beneficiaries of each, as to permit a clear delineation of which agency has principal  
20 responsibility for which specific economic development activities and programs. A  
21 copy of the memorandum of understanding, signed by the secretary of commerce and  
22 the executive director of the Wisconsin Housing and Economic Development  
23 Authority, shall be submitted to the cochairpersons of the joint committee on finance  
24 no later than 6 months after the effective date of this subsection.

25

(END)